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Promotion and protection of the rights of children

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Rights of the child

The General Assembly,

Reaffirming all its previous resolutions on the rights of the child, the most recent of which is resolution 63/241 of 24 December 2008, in their entirety,

Emphasizing that the Convention on the Rights of the Child[1] must constitute the standard in the promotion and protection of the rights of the child, and bearing in mind the importance of the Optional Protocols to the Convention,[2] as well as other human rights instruments,

[1] United Nations, *Treaty Series*, vol. 1577, No. 27531.
[2] Ibid., vols. 2171 and 2173, No. 27531.

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Reaffirming that the general principles of, inter alia, the best interests of the child, non-discrimination, participation and survival and development provide the framework for all actions concerning children, including adolescents,

Reaffirming also the Vienna Declaration and Programme of Action,[3] the United Nations Millennium Declaration[4] and the outcome document of the twenty-seventh special session of the General Assembly on children, entitled "A world fit for children",[5] and recalling the Copenhagen Declaration on Social Development and the Programme of Action,[6] the Dakar Framework for Action adopted at the World Education Forum,[7] the Declaration on Social Progress and Development,[8] the Universal Declaration on the Eradication of Hunger and Malnutrition,[9] the Declaration on the Right to Development[10] and the Declaration of the commemorative high-level plenary meeting devoted to the follow-up to the outcome of the special session on children, held in New York from 11 to 13 December 2007,[11]

Taking note with appreciation of the reports of the Secretary-General on progress made towards achieving the commitments set out in the outcome document of the twenty-seventh special session of the General Assembly[12] and on the status of the Convention on the Rights of the Child[1] and the issues addressed in Assembly resolution 63/241,[13] as well as the report of the Special Representative of the Secretary-General for Children and Armed Conflict,[14] whose recommendations should be carefully studied, taking fully into account the views of Member States, and taking note of the report of the Secretary-General on children and armed conflict,[15]

Acknowledging the important role played by national governmental structures for children, including, where existing, ministries and institutions in charge of child, family and youth issues and independent ombudspersons for children or other national institutions for the promotion and protection of the rights of the child,

Taking note with appreciation of the work to promote and protect the rights of the child carried out by all relevant organs, bodies, entities and organizations of the United Nations system, within their respective mandates, and relevant mandate holders and special procedures of the United Nations, as well as relevant regional organizations where appropriate, and intergovernmental organizations, and

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[3] A/CONF.157/24 (Part I), chap. III.

[4] See resolution 55/2.

[5] Resolution S-27/2, annex.

[6] *Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annexes I and II.

[7] See United Nations Educational, Scientific and Cultural Organization, *Final Report of the World Education Forum, Dakar, Senegal, 26-28 April 2000* (Paris, 2000).

[8] See resolution 2542 (XXIV).

[9] *Report of the World Food Conference, Rome, 5-16 November 1974* (United Nations publication, Sales No. E.75.II.A.3), chap. I.

[10] Resolution 41/128, annex.

[11] See resolution 62/88.

[12] A/64/285.

[13] A/64/172.

[14] A/64/254.

[15] A/63/785-S/2009/158 and Corr.1.

recognizing the valuable role of civil society, including non-governmental organizations,

Profoundly concerned that the situation of children in many parts of the world has been negatively impacted by the world financial and economic crisis and reaffirming that eradicating poverty continues to be the greatest global challenge facing the world today, recognizing its impact beyond the socio-economic context,

Profoundly concerned also that the situation of children in many parts of the world remains critical, in an increasingly globalized environment, as a result of the persistence of poverty, social inequality, inadequate social and economic conditions, pandemics, in particular HIV/AIDS, malaria and tuberculosis, environmental damage, natural disasters, armed conflict, foreign occupation, displacement, violence, terrorism, abuse, trafficking in children and their organs, all forms of exploitation, commercial sexual exploitation of children, child prostitution, child pornography and child sex tourism, neglect, illiteracy, hunger, intolerance, discrimination, racism, xenophobia, gender inequality, disability and inadequate legal protection, and convinced that urgent and effective national and international action is called for,

I
Implementation of the Convention on the Rights of the Child and the Optional Protocols thereto

1. *Commemorates* the twentieth anniversary of the adoption of the Convention on the Rights of the Child[1] and the fiftieth anniversary of the adoption of the Declaration of the Rights of the Child,[16] which provided a foundation for the Convention, and takes this opportunity to call for the effective implementation of the Convention by all States parties to ensure that all children may fully enjoy all their human rights and fundamental freedoms;

2. *Reaffirms* paragraphs 1 to 8 of its resolution 63/241, and urges States that have not yet done so to become parties to the Convention on the Rights of the Child and the Optional Protocols thereto[2] as a matter of priority and to implement them fully;

3. *Calls upon* States parties to withdraw reservations that are incompatible with the object and purpose of the Convention or the Optional Protocols thereto and to consider reviewing regularly other reservations with a view to withdrawing them in accordance with the Vienna Declaration and Programme of Action;[3]

4. *Encourages* States parties, in implementing the provisions of the Convention and the Optional Protocols thereto, to take duly into account the recommendations, observations and general comments of the Committee on the Rights of the Child, including, inter alia, general comment No. 12 (2009), "The right of the child to be heard";[17]

5. *Welcomes* actions of the Committee on the Rights of the Child to monitor the implementation by State parties of the Convention, and notes with appreciation its actions to follow up on its concluding observations and recommendations, and, in

[16] See resolution 1386 (XIV).
[17] CRC/C/GC/12, 20 July 2009.

this regard, particularly underlines the regional workshops and the participation of the Committee in national-level initiatives;

6. *Recalls* Human Rights Council resolution 10/14 of 26 March 2009, entitled "Implementation of the Convention on the Rights of the Child and the Optional Protocols thereto";[18]

II
Promotion and protection of the rights of the child and non-discrimination against children

Non-discrimination

7. *Reaffirms* paragraphs 9 to 11 of its resolution 63/241, and calls upon States to ensure the enjoyment by children of all their civil, cultural, economic, political and social rights without discrimination of any kind;

Registration, family relations and adoption or other forms of alternative care

8. *Also reaffirms* paragraphs 12 to 16 of its resolution 63/241, and urges all States parties to intensify their efforts to comply with their obligations under the Convention on the Rights of the Child to protect children in matters relating to registration, family relations and adoption or other forms of alternative care, and, in the cases of international parental or familial child abduction, encourages States to facilitate, inter alia, the return of the child to the country in which he or she resided immediately before the removal or retention;

9. *Welcomes* the accomplishment of the Guidelines for the Alternative Care of Children and the decision of the Human Rights Council, by its resolution 11/7 of 17 June 2009,[19] to submit them to the General Assembly for action thereon;

Economic and social well-being of children, eradication of poverty, right to education, enjoyment of the highest attainable standard of physical and mental health and right to food

10. *Reaffirms* paragraphs 17 to 26 of General Assembly resolution 63/241, paragraphs 42 to 52 of Assembly resolution 61/146 on the theme of children and poverty, and paragraphs 37 to 42 of Assembly resolution 60/231 on the theme of children infected with and affected by HIV/AIDS, and calls upon all States and the international community to create an environment in which the well-being of the child is ensured, including by strengthening international cooperation in this field and by implementing their previous commitments in the field of poverty eradication, the right to education, the right to the enjoyment of the highest attainable standard of physical and mental health, including efforts to address the situation of children living with or affected by HIV/AIDS and to eliminate mother-to-child transmission of HIV, the right to food for all and to an adequate standard of living, including housing and clothing;

11. *Recognizes* the threat to the achievement of the internationally agreed development goals, including the Millennium Development Goals, posed by the

[18] See *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 53* (A/64/53), chap. II.A.

[19] Ibid., chap. I.

global financial and economic crisis, which is connected to multiple, interrelated global crises and challenges, such as the food crisis and continuing food insecurity, volatile energy and commodity prices and climate change, and calls upon States to address, in their response to this crisis, any impact on the full enjoyment of the rights of children;

Elimination of violence against children

12. *Reaffirms* paragraphs 27 to 32 of its resolution 63/241 and paragraphs 47 to 62 of its resolution 62/141 on the theme of elimination of violence against children, condemns all forms of violence against children, and urges all States to implement the measures set out in paragraph 27 of its resolution 63/241;

13. *Welcomes* the appointment of the Special Representative of the Secretary-General on Violence against Children, and encourages all States, requests United Nations entities and agencies and invites regional organizations and civil society, including non-governmental organizations, to cooperate with and provide support, including financial support, to the Special Representative for the effective and independent performance of her mandate, as set out in General Assembly resolution 62/141, and in promoting the further implementation of the recommendations of the United Nations study on violence against children,[20] while promoting and ensuring country ownership and national plans and programmes in this regard, and calls upon States and institutions concerned and, invites the private sector, to provide voluntary contributions for that purpose;

Promoting and protecting the rights of children, including children in particularly difficult situations

14. *Reaffirms* paragraphs 34 to 42 of its resolution 63/241, and calls upon all States to promote and protect all human rights of all children in particularly difficult situations and to implement programmes and measures that provide them with special protection and assistance, including, inter alia, access to health care, education and social services, as well as, where appropriate and feasible, voluntary repatriation, reintegration, family tracing and family reunification, in particular for children who are unaccompanied, and to ensure that the best interests of the child are accorded a primary consideration;

Children alleged to have infringed or recognized as having infringed penal law and children of persons alleged to have infringed or recognized as having infringed penal law

15. *Also reaffirms* paragraphs 43 to 47 of its resolution 63/241, and calls upon all States to respect and protect the rights of children alleged to have infringed or recognized as having infringed penal law, as well as children of persons alleged to have infringed or recognized as having infringed penal law;

Prevention and eradication of the sale of children, child prostitution and child pornography

16. *Further reaffirms* paragraphs 48 to 50 of its resolution 63/241, and calls upon all States to prevent, criminalize, prosecute and punish all forms of sale of

[20] See A/61/299 and A/62/209.

children, including for the purposes of transfer of organs of the child for profit, child slavery, commercial sexual exploitation of children, child prostitution and child pornography, with the aim of the eradication of those practices, and the use of the Internet and other information and communications technologies for these purposes, to combat the existence of a market that encourages such criminal practices and take measures to eliminate the demand that fosters them, as well as to address the needs of victims effectively and take effective measures against the criminalization of children who are victims of exploitation;

17. *Welcomes* the World Congress III against the Sexual Exploitation of Children and Adolescents, held in Rio de Janeiro, in November 2008, and the Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents;

18. *Calls upon* all States to enact and enforce necessary legislative or other measures in cooperation with relevant stakeholders to prevent the distribution over the Internet of child pornography and including depictions of child sexual abuse, ensuring that adequate mechanisms are in place to enable reporting and removal of such material and that its creators, distributors and collectors are prosecuted as appropriate;

Children affected by armed conflict

19. *Reaffirms* paragraphs 51 to 63 of its resolution 63/241, and condemns in the strongest terms all violations and abuses committed against children affected by armed conflict, and in this regard urges all States and other parties to armed conflict that are engaged, in contravention of applicable international law, including humanitarian law, in recruitment and use of children, in patterns of killing and maiming of children and/or rape and other sexual violence against children, as well as in all other violations and abuses against children, to take time-bound and effective measures to end them, and urges all States, United Nations agencies, funds and programmes, other relevant international and regional organizations and civil society to continue to give serious attention to, and to protect and assist child victims of, all violations and abuses committed against children in situations of armed conflict, in accordance with international humanitarian law, including the First to Fourth Geneva Conventions;[21]

20. *Also reaffirms* the essential roles of the General Assembly, the Economic and Social Council and the Human Rights Council for the promotion and protection of the rights and welfare of children, including children affected by armed conflict, notes the increasing role played by the Security Council in ensuring protection for children affected by armed conflict, and notes also the activities undertaken by the Peacebuilding Commission, within its mandate, in areas that promote and contribute to the enjoyment of the rights and welfare of children;

21. *Notes with appreciation* the steps taken regarding Security Council resolutions 1539 (2004) of 22 April 2004 and 1612 (2005) of 26 July 2005 and the adoption of Security Council resolution 1882 (2009) on 4 August 2009 and the efforts of the Secretary-General to implement the monitoring and reporting mechanism on children and armed conflict in accordance with these resolutions, with the participation of and in cooperation with national Governments and relevant

[21] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

United Nations and civil society actors, including at the country level, and requests the Secretary-General to ensure that information collected and communicated by the monitoring and reporting mechanism is accurate, objective, reliable and verifiable, and in this regard encourages the work and deployment, as appropriate, of United Nations child protection advisers in peacekeeping operations and political and peacebuilding missions;

Child labour

22. *Reaffirms* paragraphs 64 to 80 of its resolution 63/241, on the theme of child labour,[22] and calls upon all States to translate into concrete action their commitment to the progressive and effective elimination of child labour that is likely to be hazardous or to interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual, moral or social development and to eliminate immediately the worst forms of child labour;

23. *Takes note with appreciation* of the United Nations Educational, Scientific and Cultural Organization *Education for All Global Monitoring Report* of 2009, which emphasizes the need to increase the quality of education as a way to attract and keep children in school as a tool in the prevention and elimination of child labour, and calls upon all States to take fully into account the report of the International Labour Organization entitled "The end of child labour: within reach" and the global action plan endorsed by the Governing Body of the International Labour Organization in 2006 in their national efforts to tackle child labour and to monitor progress towards meeting the target of eliminating the worst forms of child labour by 2016;

III

The right of the child to express his or her views freely in all matters affecting him or her

24. *Recognizes* that the child who is capable of forming his or her own views should be assured the right to express those views freely in all matters affecting him or her, the views of the child being given due weight in accordance with his or her age and maturity, referred to in the present resolution as "the right to be heard";[23]

25. *Reaffirms* that the general principle of participation forms part of the framework for the interpretation and implementation of all other rights incorporated in the Convention on the Rights of the Child;

26. *Recognizes* that, in the exercise by the child of his or her right to be heard, States shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community, as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the age, maturity and evolving capacities of the child, appropriate direction and guidance;

27. *Reaffirms* the international agreement on the 2015 target date for achieving universal primary education in all countries, emphasizes, in recognizing

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[22] As defined by the Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182) of the International Labour Organization.

[23] As used in the present resolution "the right to be heard" refers to the right laid down in article 12.1 of the Convention on the Rights of the Child.

the impact and inter-linkage of poverty and education on the full enjoyment by children of the right to be heard and to participate, that literacy and universal access to free and compulsory primary education of a good quality for all children is a key element in promoting the right of the child to be heard, and encourages international cooperation in this regard, including regional cooperation as well as South-South cooperation;

28. *Recognizes* that the free engagement of children in extracurricular activities, such as cultural, artistic, recreational, leisure, ecological and sports activities at the local and national levels, could develop the ability of children to express their views;

29. *Also recognizes* the key role that can be played by educational institutions and community-based organizations and projects, as well as by different local and national institutions, such as children's organizations and parliaments, in assuring the meaningful participation of children, and in this regard encourages States to ensure the institutionalization of children's participation and encourage the active consultation of children and the consideration of their views in all matters affecting them, in accordance with their age and maturity and evolving capacities;

30. *Further recognizes* the role that can be played by the private sector, including the media, in promoting the participation and active consultation of children in issues affecting them, and stresses the importance of these actors taking into account the best interests of the child;

31. *Expresses deep concern* that, despite the recognition of children as rights holders entitled to be heard on all matters affecting them, children are seldom seriously consulted and involved in such matters owing to a variety of constraints and impediments and that the full implementation of this right in many parts of the world has yet to be fully realized;

32. *Recognizes* that the full enjoyment of the right of the child to be heard and to participate requires adults to adopt an appropriate child-centred attitude, listening to children and respecting their rights and individual points of view;

33. *Calls upon* all States to:

(a) Assure that children are given the opportunity to be heard on all matters affecting them, without discrimination on any grounds, by adopting and/or continuing to implement regulations and arrangements that provide for and encourage, as appropriate, children's participation in all settings, including within the family, in school and in their communities, and that are firmly anchored in laws and institutional codes and that are regularly evaluated with regard to their effectiveness;

(b) Designate, establish or strengthen relevant governmental structures for children, including, where appropriate, ministers in charge of child issues and independent ombudspersons for children, have mechanisms in place for allowing and promoting the involvement and participation of children in the formulation and implementation of public policies, in particular those designed to meet national children and adolescent goals and targets, and ensure adequate and systematic training in the rights of the child for professional groups working with and for children;

(e) Involve children, as appropriate, in the planning, design, implementation and evaluation of the national plans of action set out in "A world fit for children" that relate to the rights of the child, in recognition of the role of the child as a core stakeholder in the process;

(d) Develop policies and effective mechanisms at the local and national levels to enable children to be heard and participate safely and meaningfully in the monitoring and reporting processes related to the implementation of the Convention on the Rights of the Child;

(e) Provide support to children and adolescents to enable them to form and register their own associations and other child- and adolescent-led initiatives, in conformity with national and international law;

(f) Ensure that funding for child participation is considered in resource allocation and that policies and programmes to facilitate children's participation are institutionalized and fully implemented;

(g) Ensure the equal participation of girls, including adolescents, on the basis of non-discrimination and in partnership with boys, including adolescents, in the development of strategies and implementation of action aimed at achieving gender equality, development, non-violence and peace;

(h) Support the integration, in a systematic manner, of children's participation and their safe and meaningful involvement in United Nations activities and processes that are related to the promotion and protection of the rights of the child;

(i) Support children's participation in initiatives to prevent and respond to violence against children, including in the work of the Special Representative of the Secretary-General on Violence against Children;

(j) Take measures to support the participation of children in the design and implementation of preventive and comprehensive anti-bullying policies;

(k) Address all the root causes impeding children from exercising their right to be heard and to be consulted on matters affecting them; inform children, parents, guardians, other caregivers and the general public about the rights of the child; and raise awareness of the importance and benefits of child participation in society, including through partnerships with civil society, the private sector and the media while being attentive to their influence on children;

(l) Take appropriate measures to ensure the full realization of the right to education on the basis of equal opportunity for every child, including by providing accessible, free and compulsory primary education directed to the development of the child's personality, talents and abilities to their fullest potential, in recognition of the importance of education to civic engagement by children and to their full enjoyment of the right to be heard and to participate in all matters affecting them;

(m) Develop and implement policies and programmes to promote the creation by public authorities, parents, guardians, other caregivers and other adults working with or for children of a safe and enabling environment based on trust, information-sharing, the capacity to listen and sound guidance that is conducive to the informed and voluntary participation of children, including in decision-making processes.

(n) Take all appropriate measures to promote the active involvement of parents, professionals and relevant authorities in the creation of opportunities for children to exercise their rights to be heard within their everyday activities in all relevant settings, including by providing training in the necessary skills;

(o) Provide support to girls, including adolescents, if needed, to voice their views and for their views to be given due weight, and adopt measures to eliminate gender stereotypes that undermine and place severe limitations on girls in the enjoyment of their right to be heard;

(p) Ensure that child-sensitive procedures are made available to children and their representatives so that children have access to means of facilitating effective remedies for any breaches of any of their rights arising from the Convention on the Rights of the Child through independent advice, advocacy and complaint procedures, including justice mechanisms, and that their views are heard when they are involved or their interests are concerned in judicial or administrative procedures in a manner consistent with the procedural rules of national law;

(q) Ensure that, while taking the necessary measures to prevent and punish the wrongful removal of children who are subjected to enforced disappearance, of children whose father, mother or legal guardian is subjected to enforced disappearance or of children born during the captivity of a mother subjected to enforced disappearance, in accordance with legal procedures and applicable international agreements, the right of the child to be heard is respected and that the best interests of the child shall be a primary consideration;

(r) Encourage and enable children affected by natural and man-made disasters and complex emergencies, in particular adolescents, to participate in analysing their situations and future prospects in crisis, post-crisis and transition processes, while ensuring that such participation is in accordance with their age, maturity and evolving capacities and is consistent with the best interests of the child and recognizing that appropriate care needs to be taken to protect children from exposure to situations that are likely to be traumatic or harmful;

(s) Take measures to ensure the enjoyment of the right to be heard by children belonging to minorities and/or vulnerable groups, including migrant children and indigenous children within their cultural values or ethnic identities;

(t) Adopt measures, including providing or promoting the use of accessible means, modes and formats of communication, to facilitate the enjoyment of the right to be heard by children with disabilities;

IV
Follow-up

34. *Decides* to:

(a) Request the Secretary-General to submit to the General Assembly at its sixty-fifth session a comprehensive report on the rights of the child containing information on the status of the Convention on the Rights of the Child and the issues addressed in the present resolution, with a focus on implementing child rights in early childhood;

(b) Request the Special Representative of the Secretary-General for Children and Armed Conflict to continue to submit reports to the General Assembly and the

Human Rights Council on the activities undertaken in discharging her mandate, including information on her field visits and on the progress achieved and the challenges remaining on the children and armed conflict agenda;

(c) Request the Special Representative of the Secretary-General on Violence against Children to submit annual reports to the General Assembly and the Human Rights Council on the activities undertaken in the discharge of her mandate;

(d) Request the Special Rapporteur on the sale of children, child prostitution and child pornography to submit reports to the General Assembly and the Human Rights Council on the activities undertaken in the discharge of her mandate;

(e) Invite the Chairperson of the Committee on the Rights of the Child to present an oral report on the work of the Committee to the General Assembly at its sixty-fifth session as a way to enhance communication between the Assembly and the Committee;

(f) Invite all Member States, organizations of the United Nations system, non-governmental organizations and individuals to observe the twentieth anniversary of the adoption of the Convention on the Rights of the Child;

(g) Continue its consideration of the question at its sixty-fifth session under the item entitled "Promotion and protection of the rights of children", focusing section III of the resolution on the rights of the child on implementing child rights in early childhood.